

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRYAN ALLEN THOMAS,

Plaintiff,

v.

THE STATE OF OKLAHOMA,

Defendant.

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Case No. CIV-21-190-D

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United State Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Purcell recommends the dismissal of this action without prejudice due to Plaintiff's failure to pay the initial filing fee, failure to comply with a show cause order, and failure to prosecute his case. *See* Order to Plaintiff to Cure Deficiency [Doc. No. 4] and Order dated April 6, 2021 [Doc. No. 5].

The case file shows no timely objection or request for an extension of time, even though Plaintiff was expressly informed of his right to object, the procedure for doing so, and the consequences of failing to object. Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons stated by Judge Purcell, the Court finds that this action should be dismissed without prejudice.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 7] is ADOPTED. This action is DISMISSED without prejudice to a future filing. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 26th day of May, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge